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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,631	10/30/2003	Javier Saenz	IGTIP419BX1/AP-014B CIP	3077
22434	7590	09/19/2007	EXAMINER	
BEYER WEAVER LLP P.O. BOX 70250 OAKLAND, CA 94612-0250			LE, KHANH H	
			ART UNIT	PAPER NUMBER
			3622	
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			09/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/699,631	Applicant(s) SAENZ, JAVIER	
	Examiner Khanh H. Le	Art Unit 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/30/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/30/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/29/2003; 03/23/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responsive to the original application. Claims 1-25 are pending. Claims 1, 10, 16, and 21 are independent.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1-3, 8-12, 15-16, and 17, 19-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Boushy et al. US 6003013.

3a. Independent claims 1, 10, 21 and dependent claims 8 and 9:

BOUSHY discloses:

A computer-implemented method and system for selecting awards to be offered to patrons of an establishment (abstract), the method comprising:

maintaining a patron database storing patron information relating to a plurality of patrons and historical transaction information involving said patrons (abstract; col. 9 lines 52-67)

monitoring substantially current transaction activity of said plurality of patrons (abstract: updated customer accounts; Figures 3 and 4 and associated text);

regularly assigning a profile (i.e. assigning then updating the profile) to said first patron (col. 5 lines 21-24; col. 10 lines 54-61) based at least upon portions of said historical transaction information pertinent to said first patron and said substantially real time or current transaction activity (abstract; col. 9 lines 52-67; also col. 9 line 67 to col. 10 line 2;);

matching awards to ones of said profiles (abstract, last line); and

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offering said one or more awards to ones of said plurality of patrons assigned to said ones of said profiles (abstract, last line; Figure 4 and associated text).

Claims 2, 11, 22-23:

BOUSHY discloses a method and/or system as in claims 1, 10, or 21 above and further discloses defining a plurality of profiles associated with a corresponding plurality of profile valuations, said assigning further including selecting said profile from said plurality of profiles. (col. 9 lines 52-67: e.g. VIP customers).

Claims 3, 12, 24:

BOUSHY discloses a method and/or system as in claims 1, 10, or 21 above and further discloses defining a plurality of awards, said matching further including selecting said award from said plurality of awards based upon a profile valuation of said profile and a value of said award (abstract: distinguished (i.e. more valuable) services for special status (i.e. is higher valuation) customers; col. 12 lines 8-12, 20-22: different levels of points; col. 12 lines 50-55: different levels of comps).

3b. Independent claim 16 and dependent claim 15 (dependent on claim 10):

BOUSHY discloses:

A method of award offering comprising:

receiving a description of an award (inherent : system has to define and receive awards levels in order to process the awards as disclosed in the abstract; col. 9 line 2 to col. 10 line 2; e.g. col. 12 lines 8-12 or col. 12 lines 50-56),

said award being associated with a profile assigned to a patron of an establishment based at least in part upon substantially real-time transaction activity of said patron (abstract; col. 9 line 2 to col. 10 line 2; e.g. col. 12 lines 8-12 or col. 12 lines 50-56)

generating and receiving a script containing information relating to conveyance of said award (e.g. col. 12 lines 8-12: the number of points, based on an newly determined status, is determined ; this information about the points to be offered to customer is the script)

and offering said award to said patron and conveying said information (Fig. 4 item 454 and associated text) .

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Claim 17:

BOUSHY discloses a method and/or system as in claim 16 above and further discloses recording whether said patron accepts or declines said award (col. 14 lines 43-49: “redeeming” is accepting offer).

Claims 19-20:

BOUSHY discloses a method as in claim 1 above and further discloses wherein said historical transaction information is reflective of prior participation of said plurality of patrons in gaming activity managed by said business establishment (abstract) and (claim 20) wherein said profile is selected as a function of participation of said first patron in said gaming activity and in current gaming activity (abstract: updated profile; col. 9 lines 55-67).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claim 4-7, 13-14, 18 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boushy.**

Claims 4, 25:

BOUSHY discloses a method and/or system as in claims 1, or 24 above and further discloses wherein said profile is characterized by a profile valuation (col. 9 line 2 to col. 10 line 2 : VIP or Premier customers profiles, “worth to the casino” or “theoretical win value” read on profile valuations). Boushy also discloses awards commensurate with customers’ expenditures

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and her worth to the casino (e.g. based on her “theoretical win value” to the casino) (col. 14 lines 9-25).

However BOUSHY does not specifically disclose said award matched to said profile is being valued at less than or equivalent to said profile valuation.

However, businesses are not in the business to lose money. Since giving awards values higher than what the business can make of the customer (e.g. based on her “theoretical win value” to the casino) is losing money, it would have been obvious to a person having ordinary skills in the art at the time the invention was made (herein a “PHOSITA”) to add to BOUSHY to give an award matched to said profile being valued at less than or equivalent to said profile valuation only, for the above stated goal. Giving more would be inconsistent with Boushy’s goal of giving “commensurate awards” (col. 14 lines 22-24).

Claims 5, 13:

BOUSHY discloses a method and/or system as in claims 1, or 10 above and further discloses customer’s preferences are collected (col. 9 lines 54).

But BOUSHY does not disclose wherein said matching includes considering award preferences of said patron or plurality of patrons. However since one usually is more receptive to offers that one likes, it would have been obvious to a PHOSITA to add to BOUSHY an offer based on the consumer preferences to increase the odds that the offer would be accepted. These personalized awards would enhance the customer's overall experience with the business and the awards process and might make him or her more likely to return, a goal of Boushy (col. 10 lines 49-53).

Claim 6:

BOUSHY discloses a method as in Claim 5 above and further discloses wherein said matching further includes considering current conditions (col. 13 lines 29-32). (Note “current conditions” also reads on current activities of the customers, which as stated in discussions of previous claims above, determine level of awards as points and/or comps).

Claims 7 and 14:

BOUSHY discloses a method and/or system as in claims 5 or 13 above of matching awards based on customers preferences and further discloses the system monitors customers reactions to offers (redemptions) for analysis to better target subsequent offers (col.14 lines 43-49 and lines 58-60). Since one is more likely to accept an offer that one likes, accepting a particular award is some indication of one’s preference for that award. Thus at col.14 lines 43-49 and lines 58-60, Bush discloses matching awards wherein “the award preferences are based at

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least in part upon reaction of said first patron to other awards previously offered to said first patron”.

Claim 18:

BOUSHY discloses a method and/or system as in claim 16 above and further discloses receiving descriptions of multiple awards consistent with said profile (col. 12 lines 8-12, 20-22: different levels of points; col. 12 lines 50-55: different levels of comps). However it does not disclose an indication of a preferred one (interpreted as chosen by the system based on customer preferences) of said multiple awards to be offered to said patron. However, as discussed above with respect to claims 5 and 13, offering personalized offers based on indicated customers preferences, would enhance the customer's overall experience with the business (Boushy, col. 10 lines 49-53). Thus it would have been obvious to a PHOSITA to add such personalization of the multiple awards to Boushy for that advantage.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Boushy US 20020142841 and US 5761647 discloses system and method for implementing a customer tracking and recognition program that encompasses customers gaming and non-gaming activity.

Garg et al. US 6571216 B1 discloses assigning initial profile, updating it , differential rewards.

GORDON ET AL, US 20020120498 A1 discloses ads selected for display at a terminal based on the terminal's assigned profile or user interaction at the terminal. The profile may be assigned based on the last program viewed at the terminal, a particular filter icon selected at the terminal, the observed television viewing habits of the viewer at the terminal, and so on.

Smolen US 5915243 A discloses offering promotions to a consumer on the basis of a dynamic profile for that consumer. The dynamic profile is formed by creating an initial profile selecting presenting questions for the consumer based on the profile, collecting the responses and updating the profile using the Promotions are offered based upon the entire profile or a portion thereof.

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Walker et al. US7040987 and US 20060252523 A1 disclose remotely configuring gaming devices per customer preferences, targeted complimentary award rules, updating profiles based on responses to promotions offered [0097].

Kowal et al. US 2004/0158536 and US7212978 discloses optimization of revenues from casino patron segments.

Leen et al. US 20030045358 discloses ranking of players.

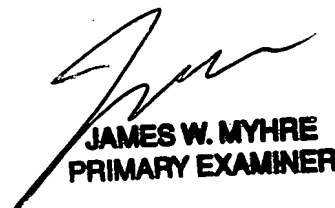
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh H. Le whose telephone number is 571-272-6721. The Examiner works a part-time schedule and can normally be reached on Tuesday-Wednesday 9:00-6:00.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Eric Stamber can be reached on 571-272-6724. The fax phone numbers for the organization where this application or proceeding is assigned are **571-273-8300** for regular communications and for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-3600. For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 13, 2007

KHL



JAMES W. MYHRE
PRIMARY EXAMINER